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108.05. Prosecution and Progress

The Contractor must not begin work until after the award of the contract. After the Department notifies the Contractor of the award of the contract, the Contractor must perform the work according to the progress schedule and with sufficient resources to adequately complete the work within the contract time.

If the Contractor fails to perform the work in accordance with the approved progress schedule or the Department believes that the Contractor is not performing the work in a manner that achieves completion within the contract time, the Engineer may require the Contractor to provide an updated progress schedule, detailing the efforts required to meet the requirements of the progress clause. This requirement will not qualify as directed acceleration as stated in subsection 109.05.F. If the Contractor fails to perform as directed, the Engineer may place the Contractor in default in accordance with subsection 108.11.

If the Contractor fails to perform the work in accordance with the approved progress schedule, the Department may prevent the Contractor from bidding future contracts until the Contractor establishes a satisfactory rate of progress.

If the contract requires it, the Contractor must submit a critical path schedule using the critical path method. Upon approval, the critical path method schedule will replace the progress schedule.

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A. Progress Schedule

1. **General.** The Department's approval of any schedule does not relieve the Contractor of its responsibilities to adjust labor and equipment forces or work schedules and provide sufficient materials to complete the work within the contract time.

The Contractor must submit the progress schedule to the Engineer within 7 calendar days of award and prior to starting work. Progress schedule updates must be submitted within 7 calendar days of Engineer request. The Engineer will provide documented approval, comments, or rejection within 7 calendar days of receipt of the Contractor's submittal, resubmittal, or responses. The Contractor must resolve all responses within 7 calendar days of receipt of any Engineer requests or rejections.

If the progress schedule is not approved within 30 calendar days of original submittal or the Contractor fails to update the progress schedule, the Engineer may withhold all or part of contract payments until the progress schedule, or update, is approved.

The cost of preparing and updating the progress schedule will not be paid for separately but will be considered included in other bid items.

2. **Progress Schedule Format and Content.** Unless the contract requires otherwise, the Contractor must submit a progress schedule using a diagramming method, bar chart, or MDOT Form 1130 *Progress Schedule* describing the work activities with the associated relationships.

The progress schedule must reflect the scope of work and sequence of operations required by the contract and must:

- a. Include and identify all activities that are the controlling operations;
- b. Include non-controlling operations and other activities to detail the work necessary to complete the contract including activities for submittals, working and shop drawing preparation, submittal review time for the Department, material procurement and fabrication, and the delivery of materials, plant, and equipment, third-party operations, or other activities;
- c. Identify the planned start and completion dates for each activity.
- d. Provide a duration, ranging from 1 to 20 days, for each construction activity, breaking longer activities into two or more activities distinguished by the addition of a location or some other description;

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- e. Include a written narrative that provides a description of the planned work crews, work days per week, number of shifts per day, number of hours per shift, and holiday and seasonal suspensions or other non-work periods;
- f. Include other pertinent information that helps define the overall plan to complete the contract or as requested by the Engineer; and
- g. Include all contract-specified dates.

The Contractor must allow for normal weather delays when developing the progress schedule.

The Department may allow overlapping or concurrent controlling operations if the Contractor provides a written explanation of the associated overlap or concurrent controlling operation for each occurrence. The Contractor must submit the explanation with the progress schedule.

3. **Progress Schedule Modifications.** The Contractor and the Engineer will assess progress and discuss the schedule as needed. Submit a modified progress schedule when requested by the Engineer.

At a minimum, progress schedule updates will include the actual start and finish of each activity, percentage completed, and remaining durations of activities started but not yet completed.

The Engineer may request a modified progress schedule when any of the following events occur:

- a. The Contractor's rate of progress falls behind that represented in the latest progress schedule;
- b. A delay or contract revision affects a controlling operation, the contract time, or completion dates; or
- c. The Contractor revises the sequence of operations or plan to complete the contract from that represented in the latest progress schedule.

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